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SUBJECT: SERBIAN PARLIAMENT IN NEED OF REFORM

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Summary

1. (SBU) Rather than serving as an effective counterweight to the executive branch, Serbia's parliament is so plagued by inefficiency and internal divisions that it has become an obstacle to the country's reform efforts and European Union aspirations. The governing coalition's narrow majority allows small parties to extract concessions in return for support of crucial pieces of legislation, the rules of procedure create wide leeway for members to obstruct the agenda, the electoral system creates complete subservience to party leaders rather than accountability to voters, communication within the governing coalition and with the opposition is lacking, and live television broadcasts of the sessions encourage members to grandstand for the audience at home. There are encouraging signs, however, that the government wants to increase efficiency and accountability through changes to the rules of procedure and electoral system. End summary.

Parliament Struggles with Deadlines

2. (SBU) Since its formation in June 2008 following parliamentary elections, the Serbian parliament has been unable to pass legislation in a timely fashion. This was demonstrated vividly during the consideration of the 2009 state budget, which was adopted just moments before the midnight deadline on December 29, 2008. The vote only became possible when the Serbian Radical Party (SRS), led by indicted war criminal Vojislav Seselj from his jail cell in The Hague, decided to leave the session and allow hundreds of its proposed amendments to be voted down without debate. According to our contacts in Parliament, the SRS decision was the result of a back-room deal between the SRS and the ruling coalition brokered by Deputy PM Ivica Dacic. While the Parliament has successfully passed a few pieces of important legislation, most notably the sweeping judicial reform package (Ref A), such achievements are unfortunately infrequent.

3. (U) On January 5, Speaker of Parliament Slavica Djukic-Dejanovic of the Socialist Party (SPS) announced that during its fall session the Serbian Parliament had passed only 10 of 51 laws needed for European Union accession. Out of the remaining laws, 18 were in parliamentary procedure, 6 had not yet been approved by the Government, 9 were in the final draft phase, while 8 were in the initial phase.

Narrow Majority with Diverging Interests

4. (SBU) One of the main reasons for the Parliament's inefficiency is the ruling coalition's narrow majority of 129 deputies (out of

250), who belong to 18 different political parties and groups. The government and parliamentary leadership have had a difficult time satisfying the diverse interests of all coalition partners. The opposition, composed of experienced MPs from the SRS, the Democratic Party of Serbia (DSS) of former Prime Minister Vojislav Kostunica, Tomislav Nikolic's Serbian Progressive Party (SNS) which split from the SRS in October 2008, and the Liberal Democratic Party (LDP), uses every opportunity to extract concessions in return for support. For example, Cedomir Jovanovic's LDP stepped in to provide a quorum when four Hungarian MPs from the governing coalition refused to support a key piece of judicial reform legislation, prompting immediate press speculation that LDP had received something in return.

Rules of Procedure Permit Obstruction

15. (SBU) Articles 225 and 226 of the Parliament's Rules of Procedure (ROP) essentially allow MPs to debate on any subject they want, at any time they want, and as many times as they want. Nada Kolundzija announced that during the last 6 months of 2008, or 60 working days, the Radicals used these provisions 1272 times and spent 67 hours discussing topics unrelated to the agenda. She said that a minority of 50 MPs were "torturing" the other 200 and that this obstruction cost Serbian tax payers 5 million dinars (\$75,000) every work day. In an end-of-year interview, President Tadic underscored the need for new parliamentary rules of procedure in order to guarantee the normal functioning of the parliament. DS MP Nenad Konstantinovic, the new chair of the Administrative Committee, told us that a special working group in which he participates had drafted new ROP with provisions that limit, but do not entirely eliminate, the right of MPs to address different issues. DS is still working to achieve consensus on the changes.

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Radical-Progressive Feud Exacerbates Situation

16. (SBU) Following Tomislav Nikolic's decision to leave the Radical Party and establish a new Serbian Progressive Party (Ref B), the SRS has used these loopholes in the Rules of Procedure to obstruct debate in an effort to regain seats and committee chairmanships taken by the SNS. After several months of sporadic blockage, the SRS and SNS appear to have reached agreement on a package deal of sorts: Nikolic surrendered chairmanship of the important Administrative Committee to the DS's Nenad Konstantinovic on January 16; Jorgovanka Tabakovic (SNS) was replaced as chair of the Finance Committee by Zoran Krasic (SRS) on January 19; and the Administrative Committee is reportedly poised to give three SNS seats back to the SRS.

Lack of Accountability

17. (SBU) The structure of Parliament is another significant factor in the oftentimes juvenile behavior of its members. MPs are chosen through a country-wide party list system, and the lists are not transparent before the elections; this means that members depend entirely on the goodwill of party leaders to obtain and retain their seats in Parliament, and voters have no way to vote out an individual who does not produce results. This subservience to party leadership is compounded by the practice of having MPs sign blank letters of resignation at the start of their terms, which party leaders use to ensure that members vote the party line. The result is an absolute lack of accountability of members of Parliament to any electoral constituency. The Parliament also suffers from a lack of experienced and knowledgeable committee staff.

18. (SBU) There is an effort underway to reform the electoral system and address these problems. Speaker Djukic-Dejanovic told us on January 22 that significant changes to the electoral law were in the works. State Administration and Self-Government Minister Milan Markovic (DS) has announced plans to introduce legislation in the spring that would implement a mixed proportional electoral system at the local level, with the idea of applying the new system at the

national level if it proves effective. Under the new voting system, devised by USG grantee CeSID (Center for Free Election and Democracy), each municipality would be divided into as many sectors as it had representatives in the local Assembly; parties would have to list their candidates for each seat on the ballot; and the seats would be divided proportionally among parties, who would be required to give the mandates to the candidates who received the most votes. CeSID is briefing the parties on the draft legislation, and tells us that the SNS was unexpectedly supportive of the changes.

Government Indifference?

¶9. (SBU) Our opposition contacts frequently allege that the government and President Tadic do not see the parliament as an important part of the government's work, pointing in particular to the appointee of the Socialist Party's Djukic-Dejanovic - a clinical psychiatrist and relatively inexperienced politician - as speaker. They also charge that Nada Kolundzija, the head of the majority caucus, does not have authority within her own Democratic Party. The December fight within the government over the gas deal with Russia (Ref C) also brought to light the fact that there were no regularly-scheduled consultations between the leaders of the ruling parties. "Vecernje Novosti" reported on January 23 that Prime Minister Cvetkovic now plans to meet monthly with coalition leaders.

¶10. (SBU) Lack of coordination and regular consultations between the majority and the opposition also hinders the parliament's work. Deputy Speaker Rade Obradovic (DSS) explained to us that Speaker Djukic-Dejanovic, for example, had never invited any of four opposition deputy speakers for consultations, and that he literally did not know where her office was. Aleksandra Jerkov, deputy head of the majority caucus, told us privately that she had been shocked to learn that no one had consulted with opposition leaders during the six week long summer blockade of the parliament following the July arrest of ICTY indictee Radovan Karadzic.

Live TV Broadcasts: Free Propaganda

¶11. (SBU) Public national broadcaster Radio Television of Serbia (RTS) is required to broadcast all sessions of parliament live, a measure intended to provide transparency of government. It pre-empts programming on Channel 2 in order to show the sessions,

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creating a captive audience among (primarily rural) viewers who do not have cable or satellite television. The opposition parties use these live broadcasts to further their own political agenda, addressing their constituents rather than focusing on the substance of the legislation under consideration. Although the ratings of these broadcasts are relatively low, all political parties support their continuation. Nada Kolundzija told us that the majority will never propose doing away with the live broadcasts since that was one of the major democratic achievements of the opposition during Milosevic's regime. She also told us that the live broadcasts allow the public to see the behavior of some MPs and show "real face" of the Radicals, noting that the introduction of a separate C-SPAN type channel would not be possible under current law.

Comment

¶12. (SBU) The Parliament has a key role to play in Serbia's efforts to join the European Union, but without serious reform it will not be able to pass the hundreds of laws necessary to harmonize Serbian legislation with the EU "acquis." At the moment, the Parliament has lost credibility as a serious institution and does not attract serious legislators. The adoption of new rules of procedure, limiting the ability of small groups to obstruct proceedings, and the establishment of constructive dialogue with the executive branch are crucial for the parliament to function normally and serve as an effective and credible check on executive power. We are encouraged by the fact that new Rules of Procedure and local electoral legislation are in the works, and also that the Parliament has

enthusiastically agreed to participate in USAID's new "Separation of Powers" project and various smaller-scale activities implemented by USG funded National Democratic Institute (NDI) in Serbia, all designed to increase the transparency and capacity of parliament's administration. End Comment.

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